IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1415 OF 2007
IN
APPEAL NO. 280 of 2007
IN
COURT RECEIVER'S REPORT NO. 37 OF 2007
IN
SUIT NO.1993 OF 1999

Dharmesh Bhanabhai .. Appellant

versus

M/s.Top Syringe Manufacturing
Co. and ors. .. Respondents

...

Mr.Snehal Shah i/b Thakordas Jariwala & Associates for the appellant.

Mr.P.D. Sampat for Prakash Gada for respondent no.6.
Mr.A.N. Vyas, Court Receiver present.

CORAM : D.G. KARNIK, J

DATED : 26th April 2007.

P.C.:

1. Heard.

2. Taking into consideration the facts disclosed in the affidavit in support of the notice of motion and Mr.Shailesh Kansara present in the court who has been identified as such by the learned advocate for the appellant volunteering to deposit

Rs.40 lakhs (forty lakhs) as offer to purchase the property in the Court latest by 30th April 2007, prima facie case is made for the grant of temporary relief. If amount is deposited, the same shall be immediately invested in any nationalised bank in Fixed Deposit and shall be kept invested till further orders in Appeal no.280 of 2007, in that regard or till the disposal of appeal whatsoever is earlier.

3. In the facts and circumstances of the case therefore while making the Notice of Motion absolute in terms of prayer clauses (a) and (b), the final hearing of the Appeal no.280 of 2007 is expedited and directed to be fixed for final hearing in the week commencing from 18th June 2007. It is clarified that all the issues are kept open to be decided in the said appeal.

(R.M.S. KHANDEPARKAR, J)

(D.G. KARNIK, J)